

**Circular - Income Tax**

**F.No.279/Misc.140/2015/ITJ**

**GOVERNMENT OF INDIA**

**MINISTRY OF FINANCE**

**DIRECTORATE OF INCOME-TAX**

**LEGAL AND RESEARCH**

**CIRCULAR NO 18/2015**

**New Delhi, Dated November 02, 2015**

**Subject: Interest from Non-SLR securities of Banks-reg.**

It has been brought to the notice of the Board that in the case of Banks, field officers are taking a view that, "expenses relating to investment in non-SLR securities need to be disallowed [u/s 57\(i\)](#) of the [Act](#) as interest on non-SLR securities is income from other sources."

2. [Clause \(id\) of sub-section \(1\) of Section 56](#) of the [Act](#) provides that income by way of interest on securities shall be chargeable to income-tax under the head "Income from Other Sources", if the income is not chargeable to income-tax under the head "Profits and Gains of Business and Profession".

3. The matter has been examined in light of the judicial decisions on this issue. In the case of [CIT Vs Nawanshahar Central Cooperative Bank Ltd. \[2007\] 160 TAXMAN 48\(SC\) = 2005-TIOL-94-SC-IT](#), the Apex Court held that the investments made by a banking concern are part of the business of banking. Therefore, the income arising from such investments is attributable to the business of banking falling under the head "Profits and Gains of Business and Profession".

3.2 Even though the above mentioned decision was in the correct of co-operative societies/Banks claiming deduction under [section 80P \(2\)\(a\)\(i\)](#) of the [Act](#), the principle is equally applicable to all banks/commercial banks, to which Banking Regulation Act, 1949 applies.

4. In the light of the Supreme Court's decision in the matter, the issue is well settled. Accordingly, the Board has decided that no appeals may hence forth be filed on this ground by the officers of the Department and appeals already filed, if any, on this ground before Courts/Tribunals may be withdrawn/ not pressed upon. This may be brought to the notice of all concerned.

**(D.S. Chaudhary)**